



THE CITY OF NEW YORK
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January 4, 2017

BY ECF

Honorable Gregory H. Woods
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: Westley Bautista v. City of New York, et al.,
16-CV-2326 (GHW)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and am assigned to represent defendants The City of New York and C.O. April Powell (hereinafter “Defendants”) in the above-referenced matter, which is settled. For the reasons set forth below, I write, with the consent of plaintiff’s counsel Gabriel P. Harvis, Esq., to jointly request a 30-day extension of time within which to file the Stipulation of Settlement and Dismissal.

By way of background, on or about December 2, 2016, the parties settled this action in principal. By Order dated December 5, 2016, Your Honor directed the parties to submit the Stipulation of Settlement and Dismissal. See Civil Docket Report, at Document No. 57. Today, plaintiff’s counsel forwarded the undersigned both the Stipulation and Order of Dismissal and the Stipulation of Settlement. However, plaintiff’s counsel informed the undersigned that he is still awaiting the signed general release and affidavit of status of liens from plaintiff.

Because plaintiff has not yet forwarded the complete settlement paperwork, Defendants are weary of filing the Stipulation and Order of Dismissal. As the Court is likely aware, the City requests in its Stipulation and Order of Dismissal that the Court maintain jurisdiction over this action for the purpose of enforcing the terms of the settlement agreement reached by the parties. In the undersigned’s experience, courts have refused to maintain jurisdiction for the purpose of enforcing the terms of a settlement when they are not provided

with the terms of the settlement (i.e. when the general release is not provided to the Court along with the Stipulation and Order of Dismissal). For this reason, and to avoid the risk that the Court would choose to not maintain jurisdiction over this matter for the purpose of enforcing the terms of the settlement, Defendants request a 30-day extension of time within which to file the Stipulation and Order of Dismissal so that they may have the opportunity to provide the Court with the general release.

Thank you for your consideration herein.

Respectfully submitted,

/s/

Richard Bahrenburg
Assistant Corporation Counsel
Special Federal Litigation Division

cc: Gabriel P. Harvis, Esq.
Attorneys for plaintiff
(via ECF)